

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN DEREK MURPHY,
Petitioner

CIVIL ACTION
NO. 05-10548-JLT

v.

MICHAEL A. THOMPSON,
MCI SHIRLEY, SUPERINTENDENT
Respondent

**PETITIONER'S ASSENTED-TO MOTION FOR
PERMISSION TO FILE OBJECTIONS TO REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE DEIN
BY JUNE 5, 2007**

Now comes the petitioner in the above-entitled actions and respectfully moves this Honorable Court for permission to allow him to file any objections to the Report and Recommendation on Petition for Writ of Habeas Corpus Under 28 U.S.C. §2254 on or before June 5, 2007.

As grounds therefore, undersigned counsel for the petitioner states that she has briefs due in the Massachusetts Appeals Court on May 9th in the case of *Commonwealth v. Brian Calabufalo*, Docket 06-P-959 and on May 11th in the case of *Commonwealth v. Deshaun Wright*, Docket 06-P-237, and in the United States Court of Appeals for the First Circuit in the case of *United States v. Ramon DeJesus-Castillo*, Docket 06-1842. In addition counsel has also just been granted permission to proceed on a Motion for a New Trial Based on Newly Discovered Evidence simultaneous with the appeal in the *Wright* matter. Counsel has not yet had time to research or write this new trial motion or supporting memorandum.

Because of these other cases, counsel will be unable to give the Court's Report and Recommendation due attention or have time to review the case in order to determine what objections should be filed until June 5, 2007 at the earliest. For these reasons, the petitioner is requesting that the Court allow him until June 5, 2007 to file any objections.

Pursuant to LR 7.1(A)(2) counsel for the petitioner certifies he resolved the above matter with Assistant Attorney General Susanne Reardon, who has assented to this

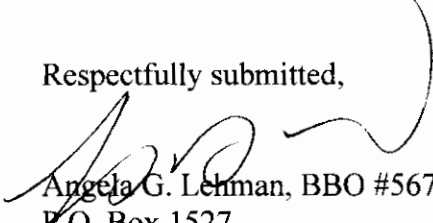
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motion.

CONCLUSION

For all the foregoing reasons, the Court should grant the petitioners motion.

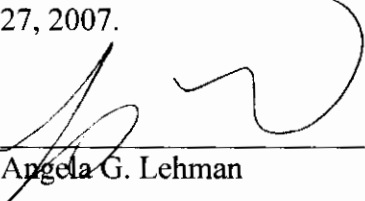
Respectfully submitted,



Angela G. Lehman, BBO #567411
P.O. Box 1527
Somerville, MA 02144
617-625-0807

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the within Assented-to Motion to AAG Susanne Reardon, Criminal Bureau, One Ashburton Place, Boston, MA 02108 on April 27, 2007.



Angela G. Lehman